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## TERMINAL DISCEMINER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

RIGL-002CON

In re Application of: DONALD PAYAN

Application No.: 09/651,150

JUL 24 2003

Filed: August 30, 2000

TECH CENTER 1600/2900

For: TOSO AS A TARGET FOR DRUG SCREENING

The owner Rigel Pharmaceuticals, Inc. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,555,314. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record.

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07/17/2003 Date

James S. Keddie, Registration No. 48,920 Typed or printed name

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